

The Honorable Robert J. Bryan
Trial Date: January 13, 2020

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC KLOPMAN-BAERSELMAN, as
Personal Representative for the Estate of
RUDIE KLOPMAN-BAERSELMAN,
deceased,

Plaintiff,

v.

AIR & LIQUID SYSTEMS
CORPORATION, a Pennsylvania
corporation, individually and as successor-
by-interest to BUFFALO PUMPS, et al.,

Defendants.

No. 3:18-cv-05536-TLF

DEFENDANT FOSTER WHEELER
ENERGY CORPORATION'S
PRETRIAL STATEMENT

**DEFENDANT FOSTER WHEELER ENERGY CORPORATION'S PRETRIAL
STATEMENT**

Foster Wheeler Energy Corporation "Foster Wheeler" makes the following Pretrial Statement, including its response to Plaintiff's Pretrial Statement:

I. JURISDICTION

Foster Wheeler agrees that Court has diversity jurisdiction over the above-captioned matter because the amount in controversy exceeds \$75,000 and Plaintiff and Defendants are residents of different states. 28 U.S.C. § 1332. This Court also has jurisdiction based on Title 28 U.S.C. §§1331, 1442(a)(1) and 1446.

II. DEFENSES

1
2 1. Foster Wheeler specifically denies that it mined, milled, processed, manufactured,
3 supplied, distributed, marketed or sold any products containing asbestos that are causally related to
4 Mr. Klopman's alleged injuries.

5 2. Whatever damages Plaintiff may have suffered, if any, were solely and proximately
6 caused by, or contributed to by, the negligence of Plaintiff which either bars or reduces Plaintiff's
7 claims herein in an amount to be determined by the trier of fact.

8 3. Whatever damages Plaintiff may have suffered, if any, were solely and proximately
9 caused by the negligence or other conduct of one or more of the other Defendants above-named, or,
10 in the alternative, by the negligence or other conduct of some person, corporation, association, or
11 legal entity not presently a party to this lawsuit.

12 4. Whatever damages Plaintiff may have suffered, if any, were solely and proximately
13 caused by the Plaintiff when he assumed and voluntarily exposed himself to specific and appreciated
14 risks pursuant to the doctrines of volenti non fit injuria and assumption of the risk, for which
15 Plaintiff is barred from recovery of damages, or, in the alternative, for which recovery is reduced.

16 5. Whatever damages Plaintiff may have suffered, if any, were directly and proximately
17 caused by the actions of fellow servants of Plaintiff.

18 6. Whatever damages Plaintiff may have suffered, if any, were due solely or in part to
19 the failure of Mr. Klopman's employer or employers to take adequate precautions and provide
20 him/her with a safe place to work.

21 7. Foster Wheeler expressly denies that Mr. Klopman was ever exposed to fibers from
22 asbestos-containing products, machinery or equipment for which Foster Wheeler is liable.
23 Notwithstanding, any asbestos-containing products, machinery or equipment for which Foster
24 Wheeler might be held legally accountable and which Plaintiff allegedly used or was exposed to, if
25 any, were not in the same condition as when sold, having been materially altered after the sale and
26 prior to the use or exposure as alleged.

1 8. Any asbestos-containing products, machinery or equipment for which Foster Wheeler
2 might be held legally accountable and which are alleged to have caused Plaintiff's injury or death,
3 were manufactured in compliance with and supplied pursuant to government contracts and
4 reasonably precise government and/or military specifications promulgated and approved by the
5 United States government. These specifications may have required the use of asbestos in such
6 products, machinery or equipment. Accordingly, Foster Wheeler may be immune from liability for
7 any injury or death suffered by Mr. Klopman as consequence of exposure to asbestos in such
8 products, machinery or equipment.

9 9. Foster Wheeler's conduct, and any product, machinery or equipment for which it
10 bears responsibility, was at all times in strict conformity with the prevailing standard of medical
11 science and the prevailing standards of the industry.

12 10. If it is proven at the time of trial that Foster Wheeler is liable for damages if any, to
13 the Plaintiff, said liability is not sole but rather joint and several between or among Foster Wheeler
14 and one or more of the other Defendants or non-Defendant corporations and, consequently, Foster
15 Wheeler is entitled to have its liability limited to its proportionate share, or alternatively, is entitled
16 to contribution from such other Defendants or non-Defendant corporations based on comparative
17 fault.

18 11. The liability of Foster Wheeler, if any, was secondary, passive and subordinate to the
19 primary, active and intervening causation of the negligent acts and/or omissions of other Defendants,
20 for which Foster Wheeler is not liable.

21 12. Plaintiff has failed to mitigate his damages as required by law.

22 13. Mr. Klopman was employed by knowledgeable and sophisticated employers and any
23 duty Foster Wheeler may have had to warn him of any potential harm incident to the normal use of
24 products for which Foster Wheeler bears responsibility, which duty is denied, was discharged by his
25 employer's intervening duty to give him/her any required warnings.

26 14. Foster Wheeler alleges that Mr. Klopman's tobacco use is an assumption of a known
risk, and that said conduct of Plaintiff proximately caused and contributed to Plaintiff's injuries and

1 damages, if any, and therefore the recovery of Plaintiff, if any, is barred or proportionately reduced.
 2 Mr. Klopman served in the Dutch Merchant Marines from 1955 to 1959. There is no evidence that
 3 Mr. Klopman sailed into a Washington port or US navigable waters. Mr. Klopman's alleged
 4 exposure to any Foster Wheeler equipment occurred in the Netherlands aboard a Dutch vessel.

5 15. Foster Wheeler alleges that Plaintiff's injury, damages or loss, if any, was
 6 proximately caused by one or more unforeseeable, independent, intervening or superseding events
 7 beyond the control, and unrelated to any conduct of Foster Wheeler. Any actions or omissions of
 8 Foster Wheeler were superseded by the negligence and wrongful conduct of others.

9 16. Mr. Klopman was a knowledgeable and sophisticated automobile maintenance
 10 worker. Per Plaintiffs' complaint, Mr. Klopman performed maintenance to his vehicles during the
 11 years of 1966-1997. Moreover, he was employed by knowledgeable and sophisticated employers and
 12 any duty Foster Wheeler may have had to warn him of any potential harm incident to the normal use
 13 of products for which Foster Wheeler bears responsibility, which duty is denied, was discharged by
 14 his employer's intervening duty to give him/her any required warnings as well as his own knowledge
 15 and duty to take precautionary measures when working with or around asbestos-containing products.

16 **III. UNDISPUTED FACTS**

17 1. This lawsuit was originally filed in October 2017 by Rudie Klopman-Baerselman
 18 (Mr. Klopman) and his wife Muriel Klopman.

19 2. Mr. Klopman died one month after this case was filed and was never deposed.

20 3. Mr. Klopman died on November 25, 2017.

21 4. Plaintiff alleges that decedent Mr. Klopman was diagnosed with mesothelioma in
 22 July 2017.

23 5. Plaintiff alleges that Mr. Klopman was an employee of Royal Dutch Rotterdam
 24 Lloyd and worked as a merchant mariner assigned to several vessels as a boiler oilman/stoker
 25 from approximately 1955 through 1959.

26 6. There is no witness or document that identifies the specific work that Mr.
 Klopman performed on any specific vessel in the Dutch Merchant Marine.

1 7. There is no witness or document that identifies the specific work that Mr.
2 Klopman performed on any specific equipment in the Dutch Merchant Marine.

3 8. There is no witness or document that identifies the proximity of Mr. Klopman to
4 any asbestos-containing product or equipment in the Dutch Merchant Marine.

5 9. There is no witness or document that identifies any work that Mr. Klopman
6 performed on or around a Foster Wheeler boiler.

7 10. There is no witness or document that identifies the frequency that Mr. Klopman
8 was in the presence of any maintenance on any asbestos-containing product or equipment in the
9 Dutch Merchant Marine.

10 11. There is no witness or document that identifies the intensity of any potential
11 asbestos exposure that Mr. Klopman experienced in the Dutch Merchant Marine.

12 12. There is no witness or document that identifies the duration of any asbestos
13 exposure that Mr. Klopman experienced in the Dutch Merchant Marine.

14 13. Plaintiff filed pleadings with this Court, which are signed by his counsel, in which
15 he concedes that there is no evidence “to support [the] position that Rudie Klopman-Baerselman
16 was exposed to asbestos while in the merchant marines(sic) or that the alleged asbestos exposure
17 was a substantial factor in the development of his mesothelioma.” (ECF 489 at 2:5-8)

18 14. No expert witness retained by Plaintiff in this matter has offered any opinion that
19 Mr. Klopman was exposed to asbestos from a Foster Wheeler product during his time in the
20 Dutch Merchant Marine.

21 15. Plaintiff’s expert Susan Raterman testified that she could not form an opinion as
22 to any particular asbestos exposure that Mr. Klopman had in the Dutch Merchant Marine without
23 knowing the work activities that he performed.

24 16. Plaintiff’s expert Dr. Andrew Brodtkin testified that he had no information as to
25 the frequency, intensity, duration, or proximity of any potential exposures that Mr. Klopman
26 experienced in the Dutch Merchant Marine.

1 17. Mr. Klopman performed all maintenance, specifically friction work, on his
2 personal automobiles/vehicles from 1966-1997.

3 18. Mr. Klopman's work on personal vehicles included work with asbestos-
4 containing brake, clutch, and engine parts.

5 19. Plaintiff alleges that Mr. Klopman was exposed to asbestos while performing
6 vehicle maintenance.

7 20. Plaintiff alleges that Mr. Klopman's exposure to asbestos from performing
8 vehicle maintenance was a substantial factor in causing his mesothelioma.

9 21. Foster Wheeler admitted in its responses to Plaintiff's Requests for Admission
10 that Mr. Klopman's exposure to asbestos from performing vehicle maintenance was a substantial
11 factor in causing his mesothelioma.

12 22. Mr. Klopman worked as a maintenance technician at Tektronix in Beaverton,
13 Oregon from 1967 through 1999.

14 23. Ray Smith is a coworker of Mr. Klopman's from Tektronix.

15 24. Mr. Smith testified that Mr. Klopman performed maintenance on machinery and
16 equipment at Tektronix.

17 25. Mr. Smith testified that Mr. Klopman performed maintenance work on pumps at
18 Tektronix.

19 26. Mr. Smith testified that there was asbestos insulated piping throughout the
20 Tektronix facility.

21 27. Mr. Smith testified that Mr. Klopman performed work on insulated piping at
22 Tektronix.

23 28. Gearhart Dauter is a coworker of Mr. Klopman's from Tektronix.

24 29. Mr. Dauter testified as to asbestos abatement that occurred at Tektronix.

25 30. Mr. Dauter testified that Mr. Klopman performed maintenance work on pumps,
26 valves, and pipe insulation at Tektronix.

31. Plaintiff's expert Susan Raterman testified that Mr. Klopman was likely exposed to asbestos at Tektronix through the repair and maintenance of valves, pumps, compressors and piping.

IV. ISSUES OF LAW

Foster Wheeler has a pending motion for summary judgment to dismiss all claims. In that motion, Foster Wheeler has asserted application of Dutch law. Pursuant to Dutch law, Plaintiff's claims are time barred. Even if the Court finds that substantive Dutch law does not apply to this case, Plaintiff's claims should still be dismissed under Maritime law or Washington law based on Plaintiff's inability to establish causation, as set forth in Foster Wheeler's pending motion.

V. WITNESSES

1. Richard Johnson (may testify live; by video preservation; or prior testimony)
c/o Tanenbaum Keale LLP
1085 Raymond Blvd.
One Newark Center, 16th Floor
Newark, New Jersey 07102

Richard C. Johnson is a ceramics engineer. He is a former employee of Foster Wheeler. Mr. Johnson will testify about his background, knowledge and experience with the use of insulation products. Mr. Johnson may testify about his attendance at a meeting of the Working Group on Insulation Industry Hygiene hosted by Irving Selikoff, M.D. at the New York Academy of Sciences on May 14, 1968 and what was understood at Foster Wheeler at the time regarding asbestos. He may testify regarding his and Foster Wheeler's understanding of safe working levels of asbestos exposure and the efforts of the medical and scientific community to investigate and define maximum exposures which presented health risks to insulation workers.

Mr. Johnson may testify with the regard to the efforts made by Foster Wheeler to find acceptable alternatives to the use of any asbestos- containing products in its boilers and equipment. He may also testify to his experience with regard to repair of Foster Wheeler equipment and Mr. Johnson may testify with regard to his knowledge relative to design, operation and function of Foster

1 Wheeler boilers and equipment. Mr. Johnson may testify about safety precautions, procedures and
2 safety equipment available to Foster Wheeler employees.

3 Because of his health condition, Mr. Johnson may not be able to travel to Tacoma for trial,
4 and Foster Wheeler may perpetuate his testimony for trial. Plaintiff has also submitted page and line
5 designation from Mr. Johnson's prior testimony. Foster Wheeler has made counter-designations to
6 that testimony.

7 2. Thomas Schroppe (will testify live)
8 c/o Tanenbaum Keale LLP
9 1085 Raymond Blvd.
10 One Newark Center, 16th Floor
11 Newark, New Jersey 07102

12 Mr. Schroppe received a degree in Marine Engineering from the New York State Maritime
13 College in 1962. He began his career at Foster Wheeler in 1962 as a Proposal Engineer in the
14 Marine Department. In 1967, he became the Manager of the Proposal Department and reviewed all
15 proposals. In 1969, he was promoted to Vice President of Engineering. From 1975 to 1982, he was
16 President of Foster Wheeler Boiler Corporation. In 1982, he became Managing Director of Foster
17 Wheeler U.K. From 1984 to until his retirement in 1999, he was Executive Vice President of Foster
18 Wheeler Power Systems.

19 Mr. Schroppe is expected to testify as to the degree of supervision and control exercised by
20 the Navy and its agencies in procurement contracts with Foster Wheeler for boilers and auxiliary
21 equipment. Mr. Schroppe is familiar with these procedures through his personal involvement in
22 such contracts at all stages of development, from inquiry and bid through production, testing, and sea
23 trials and, ultimately, acceptance. Mr. Schroppe is expected to testify as to the contract process from
24 the perspective of Foster Wheeler as the vendor, as well as the levels of interaction between Foster
25 Wheeler and the Navy agents and personnel through the various stages of a given contract.

26 Mr. Schroppe is expected to testify as to all phases of the design of a vessel. Mr. Schroppe is
expected to testify as to the pervasive control exercised by the Naval architect. He will testify about
Foster Wheeler's obligation to comply with the Ship Specifications, which includes all boiler

1 operating criteria and performance requirements, as well as the Military Specifications that covered
2 all specific components of the boiler, including accessories, subcomponents, and materials required
3 to fabricate the boilers and its components. He is also expected to testify that deviation from these
4 specifications was not acceptable.

5 Mr. Schroppe is expected to testify that during manufacture of the boiler, a Navy resident
6 inspector was present at Foster Wheeler's shops. The Navy inspector would review all fabrication
7 processes and materials used for conformity to Military Specifications.

8 Mr. Schroppe may testify that Foster Wheeler was obligated to provide technical manuals
9 for the boilers furnished in a given Navy contract. He will testify that the Navy exercised intense
10 direction and control over all written documentation to be delivered with its naval boilers such as
11 engineering drawings, test reports, safety information and other technical data that could be used
12 as needed by shipboard engineering officer during the life of the equipment. He will testify that
13 the Navy personnel participated intimately in the preparation of this kind of information and
14 exercised specific direction and control over its contents.

15 3. Thomas P. Howard, M.D. (may testify live)
16 785 Indian River Drive
17 Melbourne, Florida 32935
(321) 637-3510

18 Dr. Howard is a board-certified pulmonologist who may provide testimony on state of the art
19 issues concerning the evolution of knowledge about asbestos and disease in various work groups and
20 various types of asbestos-containing products. He may testify concerning the state of the art of
21 medical knowledge regarding asbestos-related disease throughout the 20th century.

22 In addition, Dr. Howard may testify about medical, scientific, and industry knowledge
23 regarding asbestos in the regulatory context, beginning with the first such regulations
24 implemented in Britain in 1931 after publication of the Merewether Report in 1930. He may
25 further testify about additional studies and regulations, including but not limited to Dreessen in
26 1938, subsequent adoption by state and federal authorities of published occupational health
regulations pertaining to exposures to many substances including asbestos, yearly review of

1 threshold limit values (TLVs) pertaining to asbestos by the American Conference
2 of Governmental Industrial Hygienists (ACGIH) starting in 1946, and the OSHA regulatory
3 scheme beginning in 1970/71 establishing the Federal level detailed requirements to employers
4 for control of asbestos in the workplace. He may testify that these regulations required
5 workplace warnings, ventilation, medical examinations and other procedures for controlling
6 exposures to asbestos, and required warnings on those finished asbestos-containing products
7 wherein the ordinary use was thought to release asbestos from the product above regulatory
8 levels (it should be noted that by 1972 most manufacturers of asbestos insulation materials, such
9 as Owens-Corning and Johns Manville were already placing warnings on the products dating
10 back to the mid-1960s).

11 Dr. Howard may also provide opinions on the medical condition of Plaintiff or Plaintiff's
12 decedent and whether that condition is related to asbestos exposure. He may testify concerning
13 method of diagnosis and characteristics of asbestos-related lung disease. This may include, but not
14 be restricted to, commentary regarding physical examination of the chest, pulmonary function testing
15 and chest radiographic findings. Dr. Howard will rely on his years of experience in clinical
16 medicine as a faculty member at the University of South Florida College of Medicine, as well as his
17 private practice of Pulmonary and Critical Care Medicine and current medical literature for his
18 testimony. He may also refer to the International Classification of Radiographs of Pneumoconiosis
19 as outlined by the International Labor Office Standard Set of Films utilized as a Certified B Reader
20 for this testimony.

21 Dr. Howard's personal file containing over 1,000 articles relating to these topics will be
22 utilized as a basis of his testimony. The vast majority of this literature represents peer review
23 published scientific literature which he began gathering during his residency in the late 1970s. Dr.
24 Howard may also review and rely upon case-specific materials generated during discovery in this
25 case as bases for both his general and case specific opinions.

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1 4. Dr. Lawrence Stilwell Betts, MD, Ph.D., CIH, FACOM (may testify live)
2 13 Dryden Dr.
3 Poquoson, Virginia 23662

4 Dr. Betts may testify regarding the historic use of asbestos by the United States Navy. He
5 may discuss the use of asbestos aboard ships including its uses and utility. He may discuss the
6 different types of Navy vessels including their use and operation in defense of the United States
7 during peace and wartime. He may describe for the jury the operation of the vessels, different types
8 of ship systems and how asbestos was considered integral to these functions. He may describe the
9 various types and places asbestos was used aboard ships, the manner with which it was applied and
10 the historic reasons for use of asbestos materials.

11 Dr. Betts is expected to describe the historic knowledge of the United States Navy and other
12 government entities regarding medical and scientific literature pertaining to safe use of asbestos
13 containing materials. He may testify regarding health and safety programs instituted by the Navy for
14 safe use of asbestos-containing materials. He may identify government and Navy related literature,
15 articles, regulations and other documents evidencing the Navy's historic knowledge pertaining to
16 asbestos containing materials and methods of application from the 1920s to the 1970s. In addition,
17 he may discuss the Navy's program to find substitute materials for asbestos in the late 1960s through
18 the 1970s.

19 Dr. Betts may describe for the jury historic aspects of development of the United States
20 Navy. Included with this testimony may be a description of Navy protocol and tradition including
21 the implementation of military personnel, chain of command, promotion and discipline, rank and
22 assignments, maintenance and repair of ships by personnel and other matters that reflects on the
23 ordinary performance of duties and assignments by Navy personnel.

24 Dr. Betts has reviewed and may discuss both medical and scientific literature pertaining to
25 Industrial Hygiene, Medicine and other historic materials regarding asbestos and its multiple uses
26 and utility. Included may be a discussion of Threshold Limit Values ("TLV"), government
regulations, the American Conference of Governmental and Industrial Hygienists ("ACGIH"),

published studies by numerous researchers and government documents pertaining to safe use and handling of asbestos and asbestos health hazards.

Dr. Betts may be asked hypothetical questions pertaining to Plaintiff or Plaintiff's decedent. He may testify regarding Plaintiff's or Plaintiff's decedent's job functions and military rank, where applicable. He may discuss the use and types of asbestos materials to which Plaintiff or Plaintiff's decedent may have been exposed, how these materials were applied and the purpose of the same. He may describe the installation and use of Foster Wheeler equipment aboard Navy ships and how asbestos was used by the Navy to support operation of the equipment. He will address "failure to warn" issues and the impact such warnings would have had on the Navy's decision to use asbestos. In addition, Dr. Betts may discuss Navy purchase and procurement programs and the development and use of government specifications of approved products.

Dr. Betts may discuss operation of Navy ships during war and peacetime. He may describe the dangers and risks associated with such operation including hazards associated with fires aboard ships. He may discuss the vital purpose for insulation materials to protect those aboard ship from these hazards as described in historic documents.

5. Eric Svendsen (may testify live)
c/o Tanenbaum Keale LLP
Gateway Center, Suite 1301
Newark, New Jersey 07102

Eric Svendsen is a former employee of various Foster Wheeler entities and former Executive Vice President for Foster Wheeler North America. He is a professional engineer. Mr. Svendsen will testify about his training and background, in addition to his knowledge and experience with Foster Wheeler equipment. Mr. Svendsen may testify about his knowledge of Richard C. Johnson's attendance at a meeting of the Working Group on Insulation Industry Hygiene hosted by Irving Selikoff, M.D. at The New York Academy of Sciences on May 14, 1968 and what was understood by Foster Wheeler regarding the potential hazards of asbestos containing products when used on its equipment at industrial sites, ships and shipyards. He may testify regarding Foster Wheeler's understanding of safe working levels of asbestos exposure and the efforts of the medical and

1 scientific community to investigate and define maximum exposures which presented health risks to
2 insulation workers. Mr. Svendsen may testify with regard to the efforts made by Foster Wheeler to
3 find acceptable alternatives to the use of any asbestos-containing products in its boilers and
4 equipment. Mr. Svendsen may testify with regard to his knowledge relative to the design, operation,
5 function and repair of Foster Wheeler boilers and auxiliary equipment. Mr. Svendsen may testify
6 about safety precautions, procedures and safety equipment that were available to Foster Wheeler
7 employees, and will testify about Foster Wheeler's Corporate policy discontinuing the use of
8 asbestos-containing products.

9 6. Daniel Bessmer (may testify by prior transcript)

10 Deceased

11 Daniel Bessmer was the Industrial Hygienist at PSNS from 1949 until November 1971 when
12 he took the position of Supervisory health physicist at PSNS until retirement in June 1972. He will
13 testify by way of prior deposition testimony about the Navy's health and safety practices at Puget
14 Sound Naval Shipyard and his involvement related to the same.

15 7. Carl Mangold (may read prior testimony and/or play prior video)

16 Deceased

17 Carl Mangold was an industrial hygienist at PSNS from July 1962 through April 1972 at
18 PSNS (he became a CIH in 1969). He will testify by way of prior deposition testimony about the
19 Navy's health and safety practices at Puget Sound Naval Shipyard and his involvement related to the
20 same.

21 8. Roger Becket (may read prior transcript)

22 Deceased

23 Roger Beckett was the industrial hygienist at PSNS working below Carl Mangold. Mr.
24 Beckett assisted with the sampling, observations and design of the asbestos safety measures at
25 PSNS. He also remained at PSNS after Mangold left and Bessmer retired. He was one of the
26 authors of the 1978 PSNS gasket study. He will testify by way of prior deposition testimony about

1 the Navy's health and safety practices at Puget Sound Naval Shipyard and his involvement related to
2 the same.

3 9. Jerry L. Helser (may testify by prior transcript)

4 Deceased

5 Mr. Helser has a Bachelor of Science degree from Otterbein College. He was employed by
6 Owens Corning Fiberglas ("OCF") in the Research and Development and Manufacturing divisions
7 responsible for OCF's production of thermal pipe insulation beginning in 1961. He worked in both
8 the OCF plant which produced Kaylo (an insulation product) and also in the OCF laboratories.
9 Specifically, during the mid-1960's, he worked as a Quality Control Supervisor for OCF. His job
10 responsibilities included overseeing the placement of warnings on boxes of OCF's "Kaylo" brand
11 asbestos-containing thermal insulation that was manufactured and shipped from the OCF plant
12 located in Berlin, New Jersey. In addition, while employed by OCF in the 1960's, he was involved in
13 a program to audit the products of OCF's competitors.

14 Mr. Helser may testify as to facts and opinions regarding manufacture, distribution and
15 labeling of asbestos insulation products, including the warning labeling of such products by
16 manufacturers including Owens Corning Fiberglas, Johns-Manville and others beginning in the mid-
17 1960's based upon his experience, training and work with Owens Corning Fiberglas. He may testify
18 about and identify such warning labeling, the timing of such, the box labeling and distribution of
19 such. He may also testify as to the time period in which such products were asbestos-containing, the
20 types of asbestos, amosite, and use of such products. The materials upon which he will rely include
21 his experience, participation and view of such processes.

22 **VI. EXHIBIT LIST**

23 Foster Wheeler's Exhibit List is attached as Exhibit A.

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26 //

1 DATED this 6th day of December, 2019. TANENBAUM KEALE, LLP

2
3 By: s/Christopher S. Marks

4 By: s/Erin P. Fraser

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15 Attorneys for Foster Wheeler Energy Corporation

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Signed at Seattle, Washington this 6th day of December, 2019.

s/Maria Tiegen

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